

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1234 - HB 1489

March 21, 2021

SUMMARY OF BILL: Prohibits the administrator of a nursing home from refusing access to the facility to a family member of a resident in the event of a disease outbreak, epidemic, or pandemic. Authorizes the administrator of a nursing home to limit the number of family members allowed access to the facility at any one time pursuant to rules promulgated by the board for licensing health care facilities.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Passage of the proposed legislation could result in nursing home facilities being out of compliance with federal Center for Medicare and Medicaid Services regulations, and subject to civil monetary penalties. The extent and timing of any increase in local expenditures as a result of such penalties cannot be reasonably determined.

Assumptions:

- On September 17, 2020 the Center for Medicare and Medicaid Services (CMS) issued memorandum QSO-20-39-NH regarding revised visitation policies for nursing home facilities, in-person visitation is permitted in accordance with positivity rates and other requirements.
- Pursuant to Tenn. Code Ann. § 68-11-801, the Commissioner of the Department of Health (DOH) is authorized to impose civil monetary penalties upon deficient nursing homes. Any nursing home that violates CMS regulations could be subjected to civil monetary penalties of up to \$5,000 per instance for non-compliance with current infection controls and in some cases amounts exceeding \$20,000 for severe repeat violations.
- Passage of the proposed legislation could place nursing home facilities at risk for civil monetary penalties based on non-compliance with current federal requirements.
- Nursing home facilities are privately or county owned.
- The extent and timing of any increase in local expenditures as a result of civil penalties cannot be reasonably determined.
- According to the DOH, the health-related boards can implement the changes proposed in the legislation within existing resources. Therefore, no fiscal impact to state government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

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